

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2019-224-E
DOCKET NO. 2019-225-E

In the Matter of:

South Carolina Energy Freedom Act
(House Bill 3659) Proceeding Related to
S.C. Code Ann. Section 58-37-40 and
Integrated Resource Plans for Duke
Energy Carolinas, LLC and Duke Energy
Progress, LLC

) **DUKE ENERGY CAROLINAS,**
) **LLC’S AND DUKE ENERGY**
) **PROGRESS, LLC’S RESPONSE IN**
) **OPPOSITION TO MOTION FOR**
) **PROTECTIVE ORDER BY**
) **CAROLINA CLEAN ENERGY**
) **BUSINESS ASSOCIATION AND**
) **REQUEST FOR EXPEDITED**
DECISION OR SCHEDULING OF
ORAL ARGUMENT

Pursuant to S.C. Code Ann. Regs. 103-829, 103-833, and 103-835 and Rules 26, 33(a), 34(b) and 37(a) of the South Carolina Rules of Civil Procedure, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively the “Companies”), by and through counsel, respectfully request the Public Service Commission of South Carolina (the “Commission”) issue an order denying Intervenor Carolina Clean Energy Business Association’s (“CCEBA”) Motion for Protective Order (the “Motion”).¹ The Companies also renew their request that the Commission grant their March 11, 2021 Motion to Compel Answers to Interrogatories (the “Motion to Compel”) lodged against CCEBA and reject CCEBA’s perfunctory response to that Motion presented in the instant Motion for Protective Order. Finally, the Companies request that the Commission either expeditiously rule on the Motion to Compel or else grant a consolidated

¹ On March 10, 2021, the Commission granted the S.C. Solar Business Alliance’s (“SCSBA”) motion to be renamed in these and other dockets as Carolinas Clean Energy Business Association (“CCEBA”). For consistency with already-filed documents, this brief will refer to SCSBA as CCEBA.

oral argument on both the instant Motion and the Motion to Compel to be scheduled on an expedited basis given the rapidly approaching hearing in these dockets.

In support of this Response, the Companies state the following:

I. INTRODUCTION AND BACKGROUND

Given the complexity and importance of issues presented to the Commission in these contested proceedings to approved integrated resource plans (“IRPs”) under Act 62, the General Assembly made clear that participating parties are entitled to “reasonable discovery” regarding both the “reasonableness and prudence of the [utility’s IRP] plan” as well as “alternatives to the plan raised by intervening parties.” S.C. Code Ann. § 58-37-40(C)(1). In other words, the General Assembly understood the implicit need to appropriately vet *both* the Companies’ IRPs *and* any alternatives to deviate from the utility’s resource plan, as proposed by intervenors. The Companies’ March 11, 2021 Motion to Compel and the instant Motion for Protective Order go to the heart of what the General Assembly intended in mandating reasonable discovery be afforded to both intervenors and the applicant-utilities in these proceedings.

Since the Commission initiated these proceedings and the Companies filed their 2020 IRPs on September 1, 2020, the Companies have provided significant information to intervenors, including CCEBA, through the discovery process. In response to requests for information, the Companies have made available over 3,200 discovery responses, including subparts, providing documents, workpapers and other analytical support utilized in developing the 2020 IRPs under review in these dockets.

On February 5, 2021, CCEBA filed more than 300 pages of testimony and exhibits in the instant dockets. Both the testimony and exhibits are highly technical documents that comment on and criticize the Companies’ IRPs and propose alternatives intended to

fundamentally reshape the Companies' IRPs. In a good faith effort to engage with and respond to CCEBA's arguments in their rebuttal testimony, the Companies issued multiple discovery requests to CCEBA as the need for information was identified by the Companies' witnesses. These requests were issued on February 12, 2021, February 26, 2021, March 3, 2021, and March 12, 2021.² While CCEBA and other intervenors had more than six months to investigate the Companies' IRPs and analyze the continuing discovery responses provided by the Companies, the Companies had only 45 days to review hundreds of pages of alternative analyses, and seek any needed clarification, work papers or further information before filing rebuttal testimony. Each of the Interrogatories served on CCEBA is integral to the Companies' ability to analyze CCEBA's recommendations and alternative proposals, which, again, were hundreds of pages and were intended to fundamentally reshape the Companies' IRPs.

However, in direct contravention of Act 62's "reasonable discovery" mandate, CCEBA has insisted that it will not respond to more than 50 total interrogatories, leaving the majority of the Companies' questions completely unanswered. CCEBA's Motion does not object to answering these interrogatories on the grounds that they are excessively burdensome, unreasonable, or otherwise outside the scope of permissible discovery; instead, CCEBA asserts only that Rule 33(b) of the South Carolina Rules of Civil Procedure limits the number of interrogatories one party may propound on another in civil litigation to 50. *See* Rule 33(b), SCRPC.

² CCEBA's objections to Interrogatory Nos. 1-24(b) through 1-28 are set forth in the Motion to Compel, which is attached hereto as Exhibit 1. CCEBA's Responses and Objections to DEC's and DEP's Second and Third Set of Requests for Production of Documents and Interrogatories are attached hereto as Exhibits 2 and 3. Because CCEBA has not, as of the date of filing, served any responses or objections to the Companies Fourth Set of discovery, the Companies' Fourth Set of Requests for Production of Documents and Interrogatories are attached hereto as Exhibit 4.

On March 10, 2021, the Companies filed the Motion to Compel asking the Commission to address precisely this issue and to compel CCEBA to answer the outstanding questions. Rather than respond to the Companies' Motion, CCEBA filed the instant Motion, reinforcing its intent to stand on the Rule 33(b) objections and withhold information responsive to the Companies' outstanding interrogatories.

The Companies submit this response to CCEBA's Motion in pursuit of the reasonable discovery provided for under Act 62 and the Commission's Regulation 103-833 and to emphasize for the Commission that CCEBA's continued refusal to answer the Companies' interrogatories has stymied the Companies' ability to conduct a fulsome assessment of the "alternative recommendations" for which CCEBA advocates. As the Supreme Court of South Carolina has held, utilities must be afforded a "fair opportunity to respond" to opposing arguments and proposals. *Utils. Servs. of S.C. v. S.C. Office of Regulatory Staff*, 392 S.C. 96, 107-08, 708 S.E.2d 755, 761-62 (2011) (noting that "the PSC [is] obligated to accord Utility a meaningful opportunity to rebut the evidence presented in opposition to its proposed rates"). Without CCEBA's answers to the outstanding interrogatories, the Companies have not had a fair opportunity to respond to CCEBA's criticisms and alternate proposals. More importantly, without the Companies' ability to fairly analyze CCEBA's claims and proposals through discovery, CCEBA essentially—taken to a logical conclusion—is asking this Commission to adopt its proposal with essentially no scrutiny by other technical experts involved in the case. That result cannot be reconciled with the wording of Act 62.

II. ARGUMENT

A. **For Reasons Fully Stated in the Motion to Compel, the 50 Interrogatory Limit Set Forth in Rule 33(b) Is Not Applicable to the Instant IRP Proceeding**

In their Motion to Compel, the Companies explained in detail why the 50-interrogatory limit of Rule 33(b) is inapplicable to this IRP proceeding. In the interest of judicial efficiency, the Companies adopt and incorporate by reference the arguments set forth in their Motion to Compel, a copy of which is attached hereto as Exhibit 1. Briefly, those arguments are as follows:

- Most importantly, Act 62 expressly sets expectations for discovery in IRP proceedings, directing the Commission to “permit reasonable discovery . . . to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan *and alternatives to the plain raised by intervening parties*[.]” S.C. Code Ann. § 58-37-40(C)(1) (emphasis added). “Reasonable discovery” does not include a hard cut-off at 50 interrogatories.
- Commission Rule 103-833(B) expressly addresses interrogatories and mandates that “*each* interrogatory shall be answered separately and fully in writing, unless it is objected to[.]” *Id.* 103-833(B) (emphasis added). Importantly, it does *not* contain any limitation on the number of interrogatories that may be propounded by one party to another.
- Rule 33(b) does not apply to Commission proceedings because the South Carolina Rules of Civil Procedure apply only to discovery matters *not* covered by Commission Regulations. Since Commission Rule 103-833(B) directly addresses interrogatories, Rule 33(b) does not apply.
- Rule 33(b), as written, is on its face practically inapplicable to Commission proceedings. The Rule sets forth a list of “standard” interrogatories—including, among other things, an itemized list of damages, names of physicians that have treated the injured party, names of insurance companies, etc.—that are targeted toward the nuances of civil litigation discovery, and provides that parties should seek leave from the court to ask *any* additional questions. This procedure is clearly inapposite to Commission practice.
- Even if Rule 33(b) did apply to these IRP proceedings, the Companies would *each* be entitled to propound 50 interrogatories, for a total of 100. DEP and DEC are proceeding simultaneously under the two dockets established by the Commission to review their respective IRPs. While the subject matter of the two dockets is

similar, DEP and DEC are distinct companies and have each filed separate IRPs in separate dockets which have been combined for judicial efficiency.

- Commission precedent confirms that the Commission is generally disinclined to limit reasonable discovery. Considering an affirmative request by a party to *limit* interrogatories to 50, the Commission previously determined that it should not “arbitrarily establish[] a limit on the number of interrogatories[.]” *In Re Analysis of Continued Availability of Unbundled Local Switching for Mass Market Customers Pursuant to the FCC’s Triennial Review Order*, Docket Nos. 2003-326-C & 2003-327-C, Order No. 2004-500.

In furtherance of the clear mandate for affording reasonable discovery in Act 62, and considering that the Companies have provided intervenors with responses to more than 3,200 discovery responses without raising any quantity-based objection, the Commission should compel CCEBA to respond to the discovery requests propounded by the Companies.

B. Without Answers to the Remaining Interrogatories, the Companies Cannot Conduct a Thorough Review of CCEBA’s Alternative Recommendations

As established in Section I, *supra*, the Companies have engaged in good faith and reasonable discovery. They have responded to more than 3,200 discovery responses, providing documents, workpapers and other analytical support utilized in developing the 2020 IRPs, without asserting any quantitative objection; and intervenors, in turn, have been afforded ample opportunity to fully vet the plans set forth in the Companies’ IRPs. In contrast, the Companies have not had the same opportunity to investigate CCEBA’s alternative recommendations because CCEBA continues to withhold information, including critical technical details necessary to the Companies’ evaluation of CCEBA’s witnesses’ testimony.

The Companies require responses to their interrogatories to have a reasonable opportunity to evaluate the alternate proposals recommended by CCEBA’s witnesses.

DEC/DEP Witness Snider underscored this point in his rebuttal testimony, noting that the Companies were unable to conduct a thorough analysis of CCEBA's positions because of the missing technical information:

Q. HAVE THE COMPANIES HAD THE OPPORTUNITY TO REVIEW AND ANALYZE THE ADVOCACY GROUPS' ALTERNATIVE ANALYSES AND RECOMMENDATIONS TO A SIMILAR EXTENT?

A. No, and this is an important point for the Commission to appreciate. . . . [I]n the case of CCEBA, the Companies have not received responses [to outstanding discovery requests] because CCEBA has refused to provide the information requested. CCEBA's refusal to provide discovery to the Companies has hindered the Companies' ability to review certain of their "alternative recommendations[.]"

DEC/DEP Snider Rebuttal at 37. DEC/DEP Witness Wintermantel raised similar concerns:

Q. REGARDING YOUR REVIEW OF WITNESS OLSON'S TESTIMONY AND EXHIBITS, HAS CCEBA PROVIDED SUFFICIENT INFORMATION TO ALLOW YOU AND THE COMPANIES TO CONDUCT A THOROUGH REVIEW OF THE ANALYSIS PROVIDED BY WITNESS OLSON?

A. No, they have not. While CCEBA provided responses to some of the questions that were requested through the discovery process, CCEBA refused to provide certain information surrounding the use of the RECAP model, so I was not able to review all aspects of the modeling performed by Witness Olson.

DEC/DEP Wintermantel Rebuttal, at 30.

The scope of outstanding technical information that CCEBA has refused to provide to the Companies is significant. All of the outstanding discovery questions are critical to the Companies' ability to evaluate and respond to the recommendations of CCEBA's experts. In addition to the foregoing concerns about CCEBA's refusal to provide responses to the Companies' Set 1 interrogatories addressed in the Motion to Compel, the Companies' witnesses also have been hindered by CCEBA's improper and unreasonable

continuing objections to Sets 2-4, as addressed in the Motion. The Companies have already been prejudiced by not receiving this information in a timely manner and in advance of filing its rebuttal testimony. Without access to this information in advance of the hearing, the Companies will not have had a fair opportunity to respond to CCEBA's alternative proposals. *Utils. Servs. of S.C.*, 392 S.C. at 108, 708 S.E.2d at 762. This means the Commission will not receive the benefit of expert review of the alternative recommendation. Accordingly, the Commission should compel CCEBA to answer the outstanding interrogatories as soon as possible so that the Companies have time to assess the information before the scheduled hearing and to seek permission from the Commission to file supplemental testimony should it be needed to respond to the information supplied by CCEBA.

III. CONCLUSION

WHEREFORE, for all of the foregoing reasons, DEC and DEP respectfully request that the Commission deny CCEBA's Motion and enter an order compelling CCEBA to:

1. Respond, in full, to Interrogatory Nos. 1-24(c)-(i), 1-25, 1-26, 1-27, 1-28 within five (5) days of the entry of an order; and
2. Respond, in full, to the Companies Second, Third, and Fourth Sets of Interrogatories and Requests for Production of Documents as well as any future discovery propounded.

In addition, the Companies respectfully request that the Commission order CCEBA to provide the information as soon as possible so that the Companies will have time to assess it and request permission from the Commission to submit supplemental testimony if it is necessary to respond to the discovery responses.

Respectfully submitted, this the 26th day of March, 2021.

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2019-224-E
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In the Matter of:)	DUKE ENERGY CAROLINAS,
)	LLC'S AND DUKE ENERGY
South Carolina Energy Freedom Act)	PROGRESS, LLC'S MOTION TO
(House Bill 3659) Proceeding Related to	)	COMPEL ANSWERS TO
S.C. Code Ann. Section 58-37-40 and	)	INTERROGATORIES BY SOUTH
Integrated Resource Plans for Duke	)	CAROLINA SOLAR BUSINESS
Energy Carolinas, LLC and Duke Energy	)	ALLIANCE
Progress, LLC)	

Pursuant to S.C. Code Ann. Regs. 103-829, 103-833, and 103-835 and Rules 26, 33(a), 34(b) and 37(a) of the South Carolina Rules of Civil Procedure, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively the “Companies”), by and through counsel, respectfully move the Public Service Commission of South Carolina (the “Commission”) for an order compelling Intervenor South Carolina Solar Business Alliance (“SCSBA”)¹ to respond to Interrogatory Nos. 1-24(c)-(i), 1-25, 1-26, 1-27, and 1-28 of the Companies’ First Set of Requests for Production of Documents and Interrogatories to SCSBA and require SCSBA to answer additional interrogatories propounded by the Companies, including those included in the Companies’ Second and Third Sets of Requests for Production of Documents and Interrogatories to SCSBA. In light of the Companies’ impending rebuttal testimony filing deadline of March 19, 2021,

¹ In Order No. 2021-167, issued on March 10, 2021, the Commission granted SCSBA’s motion to be substituted as a party of record in these and other dockets by Carolinas Clean Energy Business Association (“CCEBA”). For consistency with previously-filed documents, this motion refers to this intervenor as SCSBA.

and the corresponding need for the withheld information in the Companies' preparation of rebuttal testimony, the Companies' respectfully request an expedited order on this motion from a hearing officer pursuant to S.C. Code Ann. Regs. 103-804(G). Prior to the filing of the instant Motion, undersigned counsel for the Companies communicated orally and in writing with opposing counsel and has attempted in good faith to resolve the matter contained in the Motion, and will continue to do so. However, due to the press of time and approaching deadline for rebuttal testimony, the Companies file this Motion contemporaneously with such efforts.

In support of this Motion, the Companies state the following:

I. INTRODUCTION AND BACKGROUND

On May 8, 2019, the South Carolina General Assembly amended the code of laws of South Carolina to enact the Energy Freedom Act, or Act 62. Under Act 62, DEC and DEP must each submit an integrated resource plan ("IRP") to the Commission once every three years. *See* S.C. Code Ann. 58-37-40(A). Act 62 expressly allows for intervention by interested parties and gives them an opportunity to comment on the "reasonableness and prudence of the plan" and to raise "alternatives to the plan." *See* S.C. Code Ann. 58-37-40(C)(1). Act 62 gives all parties to the IRP proceedings an opportunity to conduct "reasonable discovery" to develop the evidentiary record. *Id.* Act 62 further requires that, within 300 days of filing, the Commission issue a "final order approving, modifying, or denying the plan" filed by the Companies. *Id.*

Having received SCSBA's direct testimony at 8:43 p.m. on February 5, 2021, the Companies worked diligently to review the testimony and served SCSBA with their First Set of Requests for Production of Documents and Interrogatories five business days later

on February 12, 2021. Twenty days later, SCSBA served its answers and objections to the Companies' discovery on March 4, 2021 ("Response").

In its Response, SCSBA objected to Interrogatory Nos. 1-24(c)-(i), 1-25, 1-26, 1-27, and 1-28. SCSBA did not object to these interrogatories alleging that they were excessively burdensome, unreasonable, or otherwise outside the scope of permissible discovery. *See* Rule 26, SCRCP. Instead, SCSBA asserted that the Companies asked too many questions:

1-24. Referring to SBA Witness Olson's testimony discussing his use of the E3 RECAP model to calculate ELCC values for DEC and DEP, please explain, identify and/or provide the following:

- c. Provide the LOLE by month for each solar penetration studied in the RECAP Model for DEC and DEP as well as a 12x24 of all LOLE events.
- d. Provide the monthly LOLE results for the analysis provided in Figure 9 in Exhibit AO-2 as well as a 12x24 of all LOLE events.
- e. Provide the RECAP solar ELCC calculations by winter and summer season for each solar penetration for both DEP and DEC.
- f. Please provide all EFOR data by season and month used in the RECAP model.
- g. Provide details of imports modeled in RECAP, and explain exactly how this was captured.
- h. Provide details of DR modeling including capacity, and hourly dispatches used.
- i. Identify how many and which weather years were used in the RECAP modeling and explain the reasoning for including the identified weather years.

ANSWER:

- c. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.
- d. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.
- e. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

- f. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.
- g. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.
- h. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.
- i. SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-25. Referring to SBA Witness Olson's testimony discussing his use of the E3 RECAP model to calculate ELCC values for DEC and DEP, please explain in detail:

- a. Has E3 conducted any benchmarking of the RECAP model to other loss of load probability models? If so, please provide the conclusions of the benchmarking.
- b. How long has the RECAP model been in use?
- c. Who are current users of the RECAP model (other than E3)?
- d. Have RECAP modeling results been accepted by any State Public Service Commissions or Regulatory Authorities? If so, please identify the State Public Service Commissions or Regulatory Authorities and describe the specific applications for which RECAP was used including providing the docket number of the proceeding, if applicable.

Answer: SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-26. Referring to SBA Witness Olson's Exhibit AO-2, p.4, Item 5 states: "Duke's assumption of fixed-tilt solar instead of tracking diminishes the capacity value of solar. Currently, nearly all the utility scale solar being built in the US is tracking solar which has improved ELCCs due to its ability to track the sun," please explain whether you analyzed the validity of this statement for the southeast, specifically North Carolina and South Carolina and provide any analysis, workpapers or other Documents that you relied upon that shows the percentage of fixed versus tracking utility scale solar for the southeast, specifically North Carolina and South Carolina.

Answer: SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-27. With respect to SBA Witness Olson's testimony on page 5 that "[i]ncorporat[ing] climate policy and the impact of climate change" are "IRP best practices," please identify:

- a. All other State Public Service Commissions or Regulatory Authorities of which Mr. Olson is aware that have required a utility to develop an analysis or planning scenario for resource planning purposes to incorporate climate policy and the impact of climate change as an IRP best practice.
- b. All other State Public Service Commission or Regulatory Authorities of which Mr. Olson is aware that have determined that incorporating climate policy and the impact of climate change is an IRP best practice in the context of utility resource planning.
- c. All utilities of which Mr. Olson is aware that have developed an integrated resource plan that incorporates climate policy and the impact of climate change in selecting new capacity resources over and above compliance with existing legal and regulatory requirements.
- d. Please identify the docket number for any State Public Service Commission or Regulatory Authority proceeding and identify and provide any Documents that Mr. Olson relied upon in responding to subparts a.-c. of this request.

Answer: SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-28. As provided in the instructions to these Interrogatories, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.²

Answer: SCSBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

² Recognizing the limited time period that the Companies are afforded to conduct discovery, the Companies included Interrogatory 1-28 out of an abundance of caution to ensure any objections were fully presented at the time responses were produced.

The Companies have also propounded two additional sets of interrogatories upon SCSBA, together containing 20 additional interrogatories targeted to more fully understand and assess the basis of the opinions and alternative recommendations contained in the pre-filed testimony of SCSBA's two witnesses. While the deadline to respond to Companies' Second and Third Sets of Requests for Production of Documents and Interrogatories to SCSBA has not yet expired, SCSBA has indicated to the Companies that it intends to object to those interrogatories, and any future interrogatories not yet propounded, on the same grounds.

SCSBA's objections are not only legally baseless, but also contrary to the spirit of transparency and reasonable exchange of information, to which the Companies have subscribed in good faith throughout this proceeding. The objections seek to restrict the Companies' ability to fully review the testimony of SCSBA's witnesses, and by extension, have the effect of limiting the Commission's ability to fully evaluate the reasonableness and prudence of SCSBA's proposed alternatives to the Companies' IRPs.

The Companies have fully complied with SCSBA's requests to receive information from the Companies in these proceedings, and respectfully request the Commission compel SCSBA to do the same. SCSBA has exercised its rights under Act 62 to affirmatively raise "alternatives to the [Companies'] plan[s]" for consideration in these proceedings, and the Companies respectfully seek an expedited order from the Commission compelling SCSBA to answer Interrogatory Nos. 1-24(c)–(i), 1-25, 1-26, 1-27, and 1-28 and all interrogatories thereafter.

II. ARGUMENT

A. Act 62 Directs the Commission to “Permit Reasonable Discovery” on “Alternatives to the [Companies] Plans” in IRP Proceedings.

Act 62 tasks the Commission with determining whether the IRP proposed by a utility is the “most reasonable and prudent means of meeting energy and capacity needs[.]” To facilitate that analysis, Act 62 expressly sets expectations for discovery, ordering the Commission to “permit reasonable discovery . . . to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan *and alternatives to the plan raised by intervening parties*[.]” S.C. Code Ann. § 58-37-40(C)(1) (emphasis added). In other words, the General Assembly viewed “reasonable” discovery as a necessary component of IRP proceedings to assist *all* parties and the Commission in evaluating utilities’ IRPs *as well as* the alternative recommendations proposed by intervenors. *See* S.C. Code Ann. § 58-37-40(C)(1). In furtherance of transparency and the parties’ rights to evaluate the utilities’ IRPs, the Companies have provided voluminous information to SCSBA, ORS, and other intervenors in these proceedings without objection to the quantity of interrogatories propounded. In contrast, SCSBA’s objections reveal that it is reluctant to adopt similar standards of transparency for its witnesses’ alternative recommendations, even though Act 62 directs that those alternatives should be subject to similar scrutiny.

On February 5, 2021, SCSBA’s counsel submitted a discovery request via email to undersigned counsel, asking the Companies to produce (1) all documents produced to other parties in these proceedings; and (2) all discovery produced in the ongoing parallel 2020 North Carolina integrated resource planning proceeding before the North Carolina Utilities Commission in Docket No. E-100, Sub 165 (“NCUC 2020 IRP Proceeding”). This

discovery request, through two questions, incorporated by reference approximately 3,200 interrogatories and document requests, including subparts, to which the Companies have responded in the instant proceedings and in the NCUC 2020 IRP Proceeding. The number is striking when compared to the 83 interrogatories, including subparts, the Companies have propounded on SCSBA to date.

Consistent with Act 62's standard of facilitating "reasonable" discovery, the Companies promptly provided SCSBA's requested information, and in fact produced it to SCSBA the same day the request was received. SCSBA's request for the Companies to provide responses to approximately 3,200 discovery requests, but yet refusal to answer more than 50 interrogatories from the Companies (based merely on the number itself) demonstrates an entirely unjust application of the discovery rules and creates an improper double standard. SCSBA cannot employ Rule 33(b) to evade reasonable discovery from a party, while requesting that same party to provide limitless discovery upon request in the same proceeding. SCSBA cannot have it both ways.

Act 62 makes clear that "reasonable" discovery of both the proposed IRP and any alternative recommendations should be allowed in IRP proceedings to inform the parties and the Commission. The discovery requested, and objected to by SCSBA, is necessary for the Companies to reasonably investigate and evaluate SCSBA's alternative proposals and so that the Commission will ultimately hear fully informed responses from the Companies as to SCSBA's proposals. The Companies assert that the Commission should compel SCSBA to respond to the Companies' interrogatories to avoid arbitrary application of South Carolina discovery rules and to ensure a full and developed record.

B. The Commission's Rules of Practice and Procedure Do Not Contain Any Quantitative Interrogatory Limits.

Setting aside the fact that Act 62 specifically provides for reasonable discovery as an essential component of IRP proceedings, SCSBA's attempt to apply an interrogatory limit on the Companies is contrary to the Commission Rules of Practice and Procedure governing discovery. *See* S.C. Code Ann. Regs. 103-833. In particular, Commission Rule 103-833(B) provides that "[a]ny party of record may serve upon other parties . . . written interrogatories to be answered by the party served. . . . Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer." *Id.* (emphasis added). The Rule goes on to prescribe time limits for serving and responding to interrogatories, require verification, and establish procedure for filing with the Chief Clerk. *Id.* Unlike Rule 33 of the South Carolina Rules of Civil Procedure, the Commission Rule does not contain any limitation on the number of interrogatories that may be propounded by one party to another.

Commission Rule 103-835 provides that the "S. C. Rules of Civil Procedure govern all discovery matters not covered in Commission Regulations." Here, however, the procedure for propounding and responding to interrogatories is covered in detail by the Commission's Rules. While the Commission chose to incorporate many aspects of Rule 33, even borrowing significant language from Rule 33(a), it did not adopt any of the procedures or limitations set forth in Rule 33(b).³ This omission is not surprising given that Rule 33(b) was drafted to facilitate discovery in adversarial litigation. For example,

³ In Docket No. 2005-345-A, the Commission initiated a review of its regulations to conform to the Commission's new structure under Act 175. The Commission adopted changes to Rule 103-833 (formerly Rule 103-851) to, for example, change the number of days a party has to respond to discovery requests from 10 days to 20 days. The Commission also removed the previous regulation permitting "data requests" (Rule 103-853). None of the commenting parties raised an issue with imposing a numerical limit on interrogatories or the applicability of Rule 33(b).

Rule 33(b)(1)-(8) sets out a number of “standard” interrogatories to be used by the parties: (1) the names of “witnesses” and any “written or recorded statements” made by each; (2) a list of “photographs, plats, sketches or other documents . . . that relate to the claim or defense;” (3) names of physicians who have treated the injured party, if any; (4) names of insurance companies “which have liability insurance coverage relating to the claim;” (5) “an itemized statement of damages;” (6) names of any expert witnesses; (7) a short statement of the “facts known to or observed by” each witness; and (8) proper identification of the defendant. Rule 33(b)(1)-(8), SCRCp. In addition to these “standard” interrogatories, Rule 33(b)(9) provides that “the court *may order* additional interrogatories for good cause shown[,]” but that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” *Id.* (emphasis added). In other words, aside from the “standard” interrogatories which are almost entirely inapplicable to proceedings before the Commission, a strict reading of Rule 33(b)(9) provides that a party must *seek leave from the court* to ask *any* additional questions. It is thus no surprise that the Commission declined to incorporate the limiting provisions of Rule 33(b) into its own robust Rule 103-833 regarding interrogatories. SCSBA has not suggested that the Companies should propound the standard discovery questions, nor that they need to request leave of the Commission to propound other general interrogatories. Instead, SCSBA asks the Commission to selectively apply a discrete subpart of the S.C. Rules of Civil Procedure that is otherwise inapposite to Commission procedure.

Notably, the Companies cannot recall any instance in recent history in which the Companies refused to provide a response to interrogatories in Commission proceedings.

solely on the grounds of any numerical limitation. In these IRP proceedings, alone, the Companies have made available over 3,200 responses to interrogatories and requests for documents, including subparts, to parties. Commission Rule 103-833 is clear—parties must answer *each* relevant interrogatory served upon them,⁴ and the Commission should compel SCSBA to respond to *each* of the Companies’ outstanding questions, including the two sets to which SCSBA has not yet responded.

C. Even Under the Rules of Civil Procedure, DEP and DEC Are *Each* Permitted to Propound Fifty (50) Interrogatories to SCSBA.

Even if the Commission was to find that Rule 33(b)(9) is applicable to Commission proceedings, the Companies’ interrogatories to SCSBA are still within the prescribed limit. As discussed, Rule 33(b)(9) of the South Carolina Rules of Civil Procedure allows each party to propound fifty general questions to another party. Rule 33(b)(9), SCRCP. Here, DEP and DEC are proceeding simultaneously under the two dockets established by the Commission to review their respective IRPs. While the subject matter of the two dockets is similar, DEP and DEC are distinct companies subject to regulation by the Commission, and each have filed separate IRPs in separate dockets which have been combined for judicial efficiency. Therefore, at minimum, DEP is entitled to submit 50 interrogatories to each intervenor in Docket No. 2019-224-E, and DEC is entitled to submit 50 interrogatories to each intervenor in Docket No. 2019-225-E. SCSBA separately intervened as a party with full rights of discovery in Docket Nos. 2019-224-E and 2019-255-E, thereby consenting to being served 50 interrogatories in *each* docket. The Companies’ decision to jointly submit a total of 83 interrogatories to date to SCSBA is consistent with Rule 33(b)(9) and SCSBA’s status as an intervenor in two separate, but related, dockets.

⁴ Unless such interrogatory is objected to on recognizable grounds, which SCSBA’s objection is not.

D. Even if Rule 33(b) Applies to Proceedings Before the Commission, Good Cause Exists For Requiring SCSBA to Respond to the Interrogatories Propounded By the Companies.

To the extent the Commission applies Rule 33(b) to the instant IRP proceedings, “good cause” exists for the Commission to allow more than 50 interrogatories given the nature and complexity of these dockets. Rule 33(b) allows a court to grant additional interrogatories “upon good cause shown[.]” and Commission precedent confirms that the Commission is generally disinclined to limit reasonable discovery. Considering an affirmative request by a party to *limit* interrogatories to 50, the Commission previously determined that it should not “arbitrarily establish[] a limit on the number of interrogatories[.]” *In Re Analysis of Continued Availability of Unbundled Local Switching for Mass Market Customers Pursuant to the FCC’s Triennial Review Order*, Docket Nos. 2003-326-C & 2003-327-C, Order No. 2004-500. Instead, the Commission held “that it is more appropriate for the Petitioners (or any other recipient of discovery) to file objections if and when they believe that they have been served with discovery that is excessive[.]” *Id.* (internal citation omitted). Commission precedent, therefore, suggests that the Commission does not interpret the 50 interrogatory limit in Rule 33(b)(9) to automatically apply to all Commission proceedings, especially where there is a reasonable need for additional information.

SCSBA has not alleged, much less made, any showing that the Companies questions are unreasonable, burdensome, or otherwise excessive in light of the complexity and importance of the issues in these proceedings. *See* Rule 26(a), (b), SCRCF.

The Companies interrogatories are not only reasonable, they are necessary to the full development of the record in these complex IRP proceedings under Act 62. SCSBA has filed more than 300 pages of expert testimony and exhibits related to the Companies’

IRPs. In order to adequately probe the bases of SCSBA's extensive expert testimony, the Companies fully (and expeditiously) utilized the written discovery tools available under South Carolina law, including the express and explicit rights to obtain reasonable discovery under the IRP statute in Act 62 itself, as discussed above. The Commission should compel SCSBA to respond to the Companies' interrogatories, so that SCSBA's experts' alternative recommendations can be fully evaluated.

III. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, for all of the foregoing reasons, DEC and DEP respectfully request that the Commission grant their Motion and enter an order compelling SCSBA to:

1. Respond, in full, to Interrogatory Nos. 1-24(c)-(i), 1-25, 1-26, 1-27, 1-28 within five (5) days of the entry of an order;
2. Respond, in full, to the Companies Second and Third Sets of Interrogatories and Requests for Production of Documents as well as any future discovery propounded;

Respectfully submitted, this the 11th day of March 2021.



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BEFORE
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKET NO. 2019-224-EDOCKET NO. 2019-225-E

In the Matter of:	)	CAROLINAS CLEAN ENERGY
	)	BUSINESS ASSOCIATION'S
South Carolina Energy Freedom Act	)	RESPONSES / OBJECTIONS TO
(House Bill 3659) Proceeding Related	)	DUKE ENERGY CAROLINAS,
to S.C. Code Ann. Section 58-37-40	)	LLC'S AND DUKE ENERGY
and Integrated Resource Plans for Duke	)	PROGRESS, LLC'S FIRST SET OF
Energy Carolinas, LLC and Duke	)	REQUESTS FOR PRODUCTION OF
EnergyProgress, LLC	)	DOCUMENTS AND
	)	INTERROGATORIES

TO REBECCA J. DULIN, ESQ., ATTORNEY OF RECORD FOR DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC:

Pursuant to this Commission's Reg. 103-833, and Rules 26, 33 and 34 of the South Carolina Rules of Civil Procedure, the Carolinas Clean Energy Business Association ("CCEBA")¹ by and through its undersigned counsel, responds and objects to the Second Set of Requests for Production of Documents and Interrogatories ("Discovery Requests") propounded by Duke Energy Carolinas, LLC ("DEC") and Duke Energy Progress, LLC ("DEP") (collectively "Duke").

GENERAL OBJECTIONS

CCEBA, Intervenor in this docket, makes the following General Objections to the Second Discovery Requests of Duke:

1. CCEBA objects to the Requests to the extent they seek any information that is privileged from disclosure under the attorney-client privilege or the work-product doctrine, or

¹ CCEBA has been substituted as the successor in interest to the South Carolina Solar Business Association in this docket.

that is protected from disclosure on the basis of some other privilege or other grounds. Documents subject to any applicable privilege or protection will not be produced. To the extent such privileged or protected documents are ever produced, the production was inadvertent and shall not constitute a waiver of such privilege or protection by CCEBA.

2. CCEBA further objects to the Requests to the extent that they seek information that constitutes the actual work product or hearing preparation material of CCEBA's attorneys or any other representatives, or reflects the mental impressions, conclusions, opinions or legal theories of CCEBA's attorneys or other representatives.

3. CCEBA objects to the Requests to the extent the Requests call for information or the identification or production of documents not within the applicable scope of discovery in this action, not relevant to the subject matter of this action, not reasonably calculated to lead to the discovery of admissible evidence in the action and/or to the extent they call for documents which are not available after reasonable inquiry.

4. CCEBA objects to the extent the Requests seek information that is in the possession of Duke, or which is not in the possession, custody, or control of CCEBA.

5. CCEBA objects to the Requests to the extent that the Requests are overly broad or overly inclusive and/or they call for extensive research, investigation, information or identification of documents which would subject CCEBA to annoyance, embarrassment, oppression, harassment or undue burden or expense, including without limitation, Requests that purport to require production of "all documents relating to" certain subjects, events or information. Terminology of this sort, including without limitation, "documents," "showing," and "relating to," is overly broad, unduly vague, and ambiguous because the information sought would appear to encompass documents or information only remotely related to the proceeding. It would be unduly burdensome for CCEBA to review each document in its files, or to interview every person employed by or otherwise known to CCEBA to ensure that CCEBA have not overlooked any minor documents or facts marginally related to the Requests.

6. CCEBA objects to the Requests to the extent they require CCEBA to take action other than a reasonable search for persons with knowledge responsive to the Requests or

documents responsive to the Requests maintained in its possession, custody or control in locations where such documents are most likely to be found.

7. CCEBA objects to the Requests to the extent that the Requests and any instructions exceed the requirements and scope of permissible discovery under Rules of the Public Service Commission of South Carolina or the South Carolina Rules of Civil Procedure.

8. CCEBA construes these Requests as limited to seeking documents and things currently within its possession, custody, or control. CCEBA, therefore, objects to the extent that these Requests seek documents or things in the possession, custody, or control of third parties over whom CCEBA has no control, including past or current employees.

9. CCEBA objects to the Requests to the extent they seek to define terms and/or characterize evidence in this matter. To the extent CCEBA adopts any term used by Duke in the Requests, such adoption is solely limited to the objections and responses herein, and does not constitute an admission of law or fact by CCEBA and in fact, CCEBA expressly disclaims any such admission. Any future response that documents may be produced is not a representation that such documents exist or are in CCEBA's possession, custody, or control, but only that such documents, if any, may be produced if they do exist, are responsive, are not privileged, and are found in CCEBA's possession, custody, or control based on a reasonable search.

10. If CCEBA provides responses to the Requests, it will respond as it interprets and understands them. If Duke subsequently asserts an interpretation of any Request differing from CCEBA's understanding, CCEBA reserves the right to supplement its objections and responses.

11. CCEBA objects to the Requests on the ground that it has not concluded discovery, investigation, or analysis of all the facts of this case, and has not completed preparation for the hearing. Accordingly, responses may be provided without prejudice to CCEBA's right to introduce at the hearing any evidence that is subsequently discovered relating to proof of presently known facts and to produce and introduce all evidence whenever discovered related to the proof of subsequently discovered material facts in this action, and CCEBA expressly reserve the right to amend or supplement these responses.

12. CCEBA reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things notwithstanding objections interposed herein. CCEBA further reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things which are not presently recalled or perfectly understood but may be recalled or more thoroughly understood at some time in the future.

13. CCEBA objects to these Requests to the extent they seek confidential and proprietary information. Such confidential and proprietary information may be produced subject to the terms of an acceptable Confidentiality Agreement to be executed by CCEBA and Duke.

14. CCEBA further objects to the Requests to the extent that they are not limited by an appropriate time frame and thus are overly broad and unduly burdensome as worded.

15. CCEBA reserves the right in the future to supplement and/or amend its objections and responses to any Discovery Requests.

16. CCEBA objects to the Interrogatories as submitted to the extent that, with subparts counted as separate Interrogatories, Duke has exceeded the 50 Interrogatory limit under the South Carolina Rules of Civil Procedure.

17. By providing the objections noted herein, CCEBA does not intend to waive the grounds asserted for its Motion for Protective Order, filed on March 18, 2021, and specifically relies on the arguments and assertions made therein.

18. All responses set forth by CCEBA in the future, if any, will be subject to these General Objections. The General Objections, or some portion thereof, may be specifically referred to or restated in a response for the purpose of clarity. A failure to specifically incorporate a General Objection shall not be construed as a waiver of the General Objection.

INTERROGATORIES

Testimony of Kevin Lucas

1-1. Referring to Mr. Lucas's testimony beginning at Page 1, Line 7 that the SEIA is "leading the transformation to a clean energy economy, creating the framework for solar to achieve 20% of the U.S. electricity generation by 2030[,]" please state whether SEIA advocates for use of any technologies other than solar and battery storage to achieve its clean energy goals.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-2. Referring to Mr. Lucas's testimony beginning at Page 1, Line 14 regarding his experiencing developing testimony in rate design, cost allocation, resource selection, and portfolio analysis, please identify all IRP proceedings (State, Docket, Date of Testimony) in which Mr. Lucas has testified in the last five (5) years. For each proceeding or case identified, please provide the testimony or a brief summary of the testimony.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-3. Referring to Mr. Lucas's testimony beginning at Page 1, Line 19 outlining his background qualifications, please describe Mr. Lucas's firsthand experience, if any, with the operation of a large utility power system managing a portfolio of diverse resources to provide reliable electric service to large amounts of customers on a 24/7 basis.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure. CCEBA further objects to this Interrogatory on the ground that the phrase “firsthand experience” is vague and undefined; that Mr. Lucas’s “firsthand experience ... with the operation of a large utility power system,” however defined, is not relevant to any party’s claim or defense in this matter; and that it is argumentative.

1-4. Referring to Mr. Lucas’s testimony beginning at Page 1, Line 19 outlining his background qualifications, please describe Mr. Lucas’s firsthand experience, if any, balancing economics, environmental prudence and reliability to provide customers with reliable electric service.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure. CCEBA further objects to this Interrogatory on the ground that the phrase “firsthand experience . . . balancing economics, environmental prudence and reliability to provide customers with reliable electric service” is vague and undefined; that Mr. Lucas’s “firsthand experience . . . balancing economics, environmental prudence and reliability to provide customers with reliable electric service,” however defined, is not relevant to any party’s claim or defense in this matter; and that it is argumentative.

1-5. Referring to Mr. Lucas's testimony beginning at Page 9, Line 2 pointing out purported shortcomings in the Companies IRP plans, please explain in detail the method Mr. Lucas would adopt to manage a single integrated power system covering two states— one that requires least cost planning and one that does not. Please also list any other utility in the nation that must plan under a similar set of circumstances and state whether or not the utility's IRP meets the recommendations for which SBA advocates in this proceeding.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure. CCEBA further objects to this Interrogatory on the ground that the phrase "method ... to manage" is vague and undefined; that it is not relevant to the claims or defenses of any party in this litigation; and that it is argumentative. CCEBA also challenges the contention, implicit in this Interrogatory, that Duke "manages a single integrated power system covering two states— one that requires least cost planning and one that does not."

1-6. Referring to Mr. Lucas's testimony beginning at Page 23, Line 2 that technologies such as SMRs and NGCC with CCS "are not yet commercialized[.]" please identify the resources you believe will be available to meet customers' energy needs 100% of the time over the next 15 years.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-7. Referring to Mr. Lucas's recommendation beginning at Page 39, Line 9 of his testimony that the Companies should "model lower [O&M] costs to mirror the discount from the NREL ATB that is used in the Company's capital cost forecast [and] assume a price decline at least as aggressive as the NREL ATB Moderate scenario to reflect the innovation occurring in the O&M space[,]" please explain in detail the reasoning behind Mr. Lucas's selection of the NREL ATB standard as the most appropriate benchmark of solar and battery costs.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-8. Referring to Mr. Lucas's testimony beginning at Page 58, Line 15 that "Duke should update its assumptions on future builds of solar to be 100% single-axis tracking systems for large projects and at least 80% single-axis tracking systems for future PURPA projects[,]" please state the basis for this recommendation.

ANSWER: CCEBA objects to this Interrogatory subpart and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-9. Referring to Mr. Lucas's recommendation beginning at Page 74, Line 4 of his testimony that "[i]f Duke wishes to use market prices for up to ten years in its gas forecast,

it should obtain market quotes from reliable brokers for a meaningful quantity of gas to see if they are available and at prices comparable to small purchases[.]” please state Mr. Lucas’s experience, if any, purchasing natural gas for a fleet of resources and identify any quotes you have received from natural gas brokers over the last 5 years.

ANSWER: CCEBA objects to this Interrogatory subpart and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure. CCEBA further objects to this Interrogatory on the ground that it is not relevant to the claims or defenses of any party in this docket; and that it is argumentative.

1-10. Referring to Mr. Lucas’s testimony beginning at Page 74, Line 4 that the Companies should “obtain market quotes from reliable brokers for a meaningful quantity of gas[.]” please provide Mr. Lucas’ definition of “reliable” and identify each and every broker known to Mr. Lucas who would fit the “reliable” designation.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-11. Referring to Mr. Lucas’s testimony beginning at Page 75, Line 4 that natural gas prices “are best described as highly volatile[.]” please provide the rationale for this statement and identify any documents that support this statement.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-12. Referring to Mr. Lucas's testimony beginning at Page 75, Line 10 that "[d]emand for natural gas is highly dependent on weather and storage capacity, leading to major swings in prices during extreme weather events that affect demand or natural disasters that impact supply[,]" explain, to Mr. Lucas's knowledge, how solar and battery resources performed, including any impact on pricing, during the extreme weather events referenced in your testimony—"Hurricane Katrina in 2005, Hurricane Ike in 2008, and the Polar Vortex in 2014."

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure. CCEBA further objects to this Interrogatory on the ground that the performance of solar and battery resources is not relevant to the referenced testimony, which relates to natural gas pricing during extreme weather events.

1-13. Referring to Mr. Lucas's testimony beginning at Page 86, Line 15 regarding fundamental forecasts, please state whether Mr. Lucas believes there is a "lag" in fundamental forecast prices as compared to the actual marketplace for natural gas and, if so, state why Mr. Lucas believes the Companies should expect customers to pay higher fuel prices resulting from any such lag.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

1-14. As provided in the instructions to these Interrogatories, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

REQUESTS FOR PRODUCTION

1-1. Please produce any and all documents identified, referred to, or relied upon in preparing your response to Duke Energy's Second Set of Interrogatories to SBA.

RESPONSE: There are no documents responsive to this Request that have not already been produced.

1-2. Referring to Mr. Lucas's testimony beginning at Page 75, Line 10 that "[d]emand for natural gas is highly dependent on weather and storage capacity, leading to major swings in prices during extreme weather events that affect demand or natural disasters that impact supply[,]" provide any documents or workpaper Mr. Lucas reviewed or relied upon to assess the performance of solar and battery resources, including any impact on pricing, during the extreme weather events referenced in your testimony— "Hurricane Katrina in 2005, Hurricane Ike in 2008, and the Polar Vortex in 2014."

RESPONSE: CCEBA objects to this Request on the ground that the performance of solar and battery resources is not relevant to the referenced testimony, which relates to natural gas pricing during extreme weather events. Notwithstanding and without waiving the foregoing objection, CCEBA responds that Mr. Lucas did not conduct an analysis of solar and battery resource performance during these weather events, because there is no causal link between solar and storage performance and natural gas pricing either in general or during extreme weather events.

1-3. As provided in the instructions to these Requests, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.

RESPONSE: Not applicable.

Dated this 18th day of March 2021.

/s/ Richard L. Whitt
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Counsel for CCEBA

CERTIFICATE OF SERVICE

I certify that a copy of CCEBA'S RESPONSES AND OBJECTIONS TO DUKE'S SECOND SET OF DISCOVERY REQUESTS has been served by electronic mail upon counsel of record by emailing to the following: Rebecca J. Dulin, Counsel for Duke Energy Progress, LLC and Duke Energy Carolinas, LLC, Rebecca.Dulin@duke-energy.com.

/s/ John D. Burns
John D. Burns

General Counsel
Carolinas Clean Energy Business Association
counsel@Carolinasceba.com

BEFORE
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKET NO. 2019-224-EDOCKET NO. 2019-225-E

In the Matter of:	)	CAROLINAS CLEAN ENERGY
	)	BUSINESS ASSOCIATION'S
South Carolina Energy Freedom Act	)	RESPONSES / OBJECTIONS TO
(House Bill 3659) Proceeding Related	)	DUKE ENERGY CAROLINAS,
to S.C. Code Ann. Section 58-37-40	)	LLC'S AND DUKE ENERGY
and Integrated Resource Plans for Duke	)	PROGRESS, LLC'S THIRD SET OF
Energy Carolinas, LLC and Duke	)	REQUESTS FOR PRODUCTION OF
Energy Progress, LLC	)	DOCUMENTS AND
	)	INTERROGATORIES

TO REBECCA J. DULIN, ESQ., ATTORNEY OF RECORD FOR DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC:

Pursuant to this Commission's Reg. 103-833, and Rules 26, 33 and 34 of the South Carolina Rules of Civil Procedure, the Carolinas Clean Energy Business Association ("CCEBA")¹ by and through its undersigned counsel, responds and objects to the Third Set of Requests for Production of Documents and Interrogatories ("Discovery Requests") propounded by Duke Energy Carolinas, LLC ("DEC") and Duke Energy Progress, LLC ("DEP") (collectively "Duke").

GENERAL OBJECTIONS

CCEBA, Intervenor in this docket, makes the following General Objections to the Third Discovery Requests of Duke:

1. CCEBA objects to the Requests to the extent they seek any information that is privileged from disclosure under the attorney-client privilege or the work-product doctrine, or that is protected from disclosure on the basis of some other privilege or other grounds. Documents subject to any applicable privilege or protection will not be produced. To the extent such privileged or protected documents are ever produced, the production was inadvertent and shall not constitute a waiver of such privilege or protection by CCEBA.

¹ CCEBA has been substituted as the successor in interest to the South Carolina Solar Business Association in this docket.

2. CCEBA further objects to the Requests to the extent that they seek information that constitutes the actual work product or hearing preparation material of CCEBA's attorneys or any other representatives, or reflects the mental impressions, conclusions, opinions or legal theories of CCEBA's attorneys or other representatives.

3. CCEBA objects to the Requests to the extent the Requests call for information or the identification or production of documents not within the applicable scope of discovery in this action, not relevant to the subject matter of this action, not reasonably calculated to lead to the discovery of admissible evidence in the action and/or to the extent they call for documents which are not available after reasonable inquiry.

4. CCEBA objects to the extent the Requests seek information that is in the possession of Duke, or which is not in the possession, custody, or control of CCEBA.

5. CCEBA objects to the Requests to the extent that the Requests are overly broad or overly inclusive and/or they call for extensive research, investigation, information or identification of documents which would subject CCEBA to annoyance, embarrassment, oppression, harassment or undue burden or expense, including without limitation, Requests that purport to require production of "all documents relating to" certain subjects, events or information. Terminology of this sort, including without limitation, "documents," "showing," and "relating to," is overly broad, unduly vague, and ambiguous because the information sought would appear to encompass documents or information only remotely related to the proceeding. It would be unduly burdensome for CCEBA to review each document in its files, or to interview every person employed by or otherwise known to CCEBA to ensure that CCEBA have not overlooked any minor documents or facts marginally related to the Requests.

6. CCEBA objects to the Requests to the extent they require CCEBA to take action other than a reasonable search for persons with knowledge responsive to the Requests or documents responsive to the Requests maintained in its possession, custody or control in locations where such documents are most likely to be found.

7. CCEBA objects to the Requests to the extent that the Requests and any instructions exceed the requirements and scope of permissible discovery under Rules of the Public Service Commission of South Carolina or the South Carolina Rules of Civil Procedure.

8. CCEBA construes these Requests as limited to seeking documents and things currently within its possession, custody, or control. CCEBA, therefore, objects to the extent that these Requests seek documents or things in the possession, custody, or control of third parties over whom CCEBA has no control, including past or current employees.

9. CCEBA objects to the Requests to the extent they seek to define terms and/or characterize evidence in this matter. To the extent CCEBA adopts any term used by Duke in the Requests, such adoption is solely limited to the objections and responses herein, and does not constitute an admission of law or fact by CCEBA and in fact, CCEBA expressly disclaims any such admission. Any future response that documents may be produced is not a representation that such documents exist or are in CCEBA's possession, custody, or control, but only that such documents, if any, may be produced if they do exist, are responsive, are not privileged, and are found in CCEBA's possession, custody, or control based on a reasonable search.

10. If CCEBA provides responses to the Requests, it will respond as it interprets and understands them. If Duke subsequently asserts an interpretation of any Request differing from CCEBA's understanding, CCEBA reserves the right to supplement its objections and responses.

11. CCEBA objects to the Requests on the ground that it has not concluded discovery, investigation, or analysis of all the facts of this case, and has not completed preparation for the hearing. Accordingly, responses may be provided without prejudice to CCEBA's right to introduce at the hearing any evidence that is subsequently discovered relating to proof of presently known facts and to produce and introduce all evidence whenever discovered related to the proof of subsequently discovered material facts in this action, and CCEBA expressly reserve the right to amend or supplement these responses.

12. CCEBA reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things notwithstanding objections interposed herein. CCEBA further reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things which are not presently recalled or perfectly understood but may be recalled or more thoroughly understood at some time in the future.

13. CCEBA objects to these Requests to the extent they seek confidential and proprietary information. Such confidential and proprietary information may be produced subject to the terms of an acceptable Confidentiality Agreement to be executed by CCEBA and Duke.

14. CCEBA further objects to the Requests to the extent that they are not limited by an appropriate time frame and thus are overly broad and unduly burdensome as worded.

15. CCEBA reserves the right in the future to supplement and/or amend its objections and responses to any Discovery Requests.

16. CCEBA objects to the Interrogatories as submitted to the extent that, with subparts counted as separate Interrogatories, Duke has exceeded the 50 Interrogatory limit under the South Carolina Rules of Civil Procedure.

17. By providing the objections noted herein, CCEBA does not intend to waive the grounds asserted for its Motion for Protective Order, filed on March 18, 2021, and specifically relies on the arguments and assertions made therein.

18. All responses set forth by CCEBA in the future, if any, will be subject to these General Objections. The General Objections, or some portion thereof, may be specifically referred to or restated in a response for the purpose of clarity. A failure to specifically incorporate a General Objection shall not be construed as a waiver of the General Objection.

INTERROGATORIES

Testimony of Arne Olson, Energy and Environmental Economics, Inc.

3-1. Referring to Mr. Olson's testimony discussing his use of the E3 RECAP model to calculate ELCC values for DEC and DEP, please explain, identify and/or provide the following:

- a. To the extent not already provided in response to Interrogatory 1-24, identify which study year (or years) were included in the RECAP study.
- b. To the extent not already provided in response to Interrogatory 1-24, provide the level of demand response that was included for the summer and winter periods.
- c. Given that the E3 RECAP analysis includes a greater level of demand response as well as the use of 2040 load levels, please describe how resources were adjusted to accommodate these changes and provide the resulting winter and summer reserve margins. Please provide a resource plan table that shows these adjustments.
- d. Please provide the ELCC results with modeling pumped hydro and storage in "preserve reliability" mode versus "economic arbitrage" mode.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure. CCEBA further objects to Request 3-1(c) on the ground that it is argumentative, in that it requires the improper adoption of an assumption; and that the phrase "greater level of demand response" is vague and undefined.

3-2. Referring to “Figure 2: Quantification of ELCC and Diversity Benefits from Solar” on page 18 of Mr. Olson’s testimony, please clarify whether the ELCC values represent summer, winter or annual values.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

3-3. If the ELCC values presented in Figure 2 do not represent winter values, please provide a corresponding figure showing winter values.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

3-4. Referring to “Figure 8: E3 Modeling of Solar ELCC on the Duke Energy Carolina’s System” on page 31 of Exhibit AO-2 to Mr. Olson’s testimony, please clarify whether the ELCC values represent summer, winter or annual values.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

3-5. If the ELCC values presented in Figure 8 do not represent winter values, please provide a corresponding figure showing winter values. Please include all supporting analyses, data and workpapers.

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

3-6. As provided in the instructions to these Interrogatories, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld..

ANSWER: CCEBA objects to this Interrogatory and all subsequent Interrogatories because Duke has exceeded the 50 Interrogatories, including parts and subparts, allowed by Rule 33(b)(9) of the South Carolina Rules of Civil Procedure.

REQUESTS FOR PRODUCTION

3-1. Please produce any and all documents identified, referred to, or relied upon in preparing your response to Duke Energy's Third Set of Interrogatories to SBA.

RESPONSE: There are no documents responsive to this Request that have not already been produced. CCEBA relies on the objections to Interrogatories 3-1 through 3-5 and the Motion for Protective Order previously filed. Depending on the outcome of that Motion, CCEBA reserves the right to produce additional documents on a continuing basis should any be identified.

3-2. Please produce all analyses, data, and workpapers reviewed or relied upon in preparing any figure in response to Interrogatory 3-3.

RESPONSE: CCEBA relies on the objections to Interrogatories 3-1 through 3-5 and the Motion for Protective Order previously filed. Depending on the outcome of that Motion, CCEBA reserves the right to produce additional documents on a continuing basis should any be identified.

3-3. Please produce all analyses, data, and workpapers reviewed or relied upon in preparing any figure in response to Interrogatory 3-5.

RESPONSE: CCEBA relies on the objections to Interrogatories 3-1 through 3-5 and the Motion for Protective Order previously filed. Depending on the outcome of that Motion, CCEBA reserves the right to produce additional documents on a continuing basis should any be identified.

3-4. As provided in the instructions to these Requests, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.

RESPONSE: Not applicable.

Dated this 26th day of March 2021.

/s/Richard L. Whitt
Richard L. Whitt,
WHITT LAW FIRM, LLC
401 Western Lane, Suite E
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richard@rlwhitt.law

As Counsel for CCEBA

CERTIFICATE OF SERVICE

I, Carrie A. Schurg, an employee of Whitt Law Firm hereby certify that a copy of CCEBA'S RESPONSES AND OBJECTIONS TO DUKE'S THIRD SET OF DISCOVERY REQUESTS has been served by electronic mail upon counsel of record by emailing to the following: Rebecca J. Dulin, Counsel for Duke Energy Progress, LLC and Duke Energy Carolinas, LLC, Rebecca.Dulin@duke-energy.com.

/s/ Carrie A. Schurg
Carrie A. Schurg

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2019-224-E

DOCKET NO. 2019-225-E

In the Matter of:	)	DUKE ENERGY CAROLINAS,
	)	LLC'S AND DUKE ENERGY
South Carolina Energy Freedom Act	)	PROGRESS, LLC'S FOURTH SET
(House Bill 3659) Proceeding Related to	)	OF REQUESTS FOR
S.C. Code Ann. Section 58-37-40 and	)	PRODUCTION OF DOCUMENTS
Integrated Resource Plans for Duke	)	AND INTERROGATORIES TO
Energy Carolinas, LLC and Duke Energy	)	CAROLINAS CLEAN ENERGY
Progress, LLC	)	BUSINESS ASSOCIATION
)	
)	

Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (together, “Duke Energy” or the “Companies”), by and through their legal counsel, pursuant to Rule 103-833(C) of the Rules of Practice and Procedure of the Public Service Commission of South Carolina, hereby serve Carolinas Clean Energy Business Association (“CCEBA”)¹ with the following Fourth Set of Requests for Production and Interrogatories to be answered under oath on or before twenty (20) days from the date of service.

Further, please take notice that these Requests for Production and Interrogatories are continuing in nature until the date of the hearing, and that any information or responsive materials identified after your responses have been served upon the undersigned counsel should be provided via supplemental discovery responses as soon as possible after such identification.

¹ On June 26, 2019, the Commission issued Order Nos. 2019-467 and 2019-468 granting the South Carolina Solar Business Alliance, Inc.’s (“SCSBA”) petition for intervention in these proceedings. On March 10, 2021, the Commission issued Order No. 2021-167 granting SCSBA’s Motion to substitute CCEBA as the party of record and participant in these Dockets.

INSTRUCTIONS

1. Please produce the requested documents as they are kept in the usual course of business or to organize and label them to correspond with the categories in the Request. Documents attached to each other should not be separated.

2. In producing Documents, furnish all documents known or available to you, regardless of whether such documents are possessed directly by you or your agents, employees, representatives, investigators, or by your attorneys. All requests for Documents specifically request documents of CCEBA as well as agents or consultants that CCEBA has retained to provide expert testimony in this proceeding.

3. If any document otherwise responsive to any Request was, but is no longer, in your possession, subject to your control or in existence, identify each document by listing its author(s) and addressee(s), date, subject matter, whether the document(s) or copies are still in existence (and if so, their locations and the custodians), as well as whether the document is missing or lost, has been destroyed, has been transferred voluntarily to others, or has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing its destruction or transfer, and the date(s) of such direction or authorization.

4. If a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, and the legal and factual basis for each such claim, and provide a complete description of the information or document being withheld.

5. Unless otherwise stated, the relevant time period for these Requests is from January 1, 2018, until the present.

6. Each Request shall be reproduced at the beginning of the response thereto.
7. Please provide copies of the information responsive to each Request in native electronic working format with all data and formulas intact.
8. Please provide responses to the following data requests electronically. To the extent this is impracticable, the responses, including any responsive Documents, should be provided at the offices of Robinson, Gray, Stepp & Laffitte, LLC, 1310 Gadsden Street, Columbia, South Carolina 29201, or some mutually convenient location otherwise agreed to by the parties.

DEFINITIONS

1. **“Commission”** means the Public Service Commission of South Carolina.
2. **“Communication”** means the transmittal of information in the form of facts, ideas, documents, inquiries, or otherwise, including every discussion, conversation, conference, or telephone call.
3. **“You”** and **“your”** means CCEBA and CCEBA’s witnesses in this proceeding, including but not limited to, retained witnesses from Solar Energy Industries Association, and Energy and Environmental Economics, Inc., and all of their members, agents, representatives and attorneys.
4. **“Dockets”** means Commission Docket Nos. 2019-224-E & 2019-225-E.
5. The term **“document”** is to be construed as broadly as permissible under Rule 34 of the South Carolina Rules of Civil Procedure and includes, but is not limited to, any printed, typewritten, handwritten or otherwise recorded information of whatever character, including, but not limited to, letters, memoranda, notes, diaries, reports, records, calendars, charts, audio and/or video tapes or discs, and photographs; computer programs or disks; electronic media records, however recorded and maintained, including, but not

limited to, electronic mail, voicemail messages, digital photographs and electronically scanned records of any type; recorded observations, statements, conversations or formal affidavits. Any carbon or photocopy of any such materials upon which notations have been made and all drafts are also included.

6. **“Person”** means any natural person or any business, legal, or governmental entity or association.

7. The terms **“related to”** and **“relating to”** or any variation thereof shall be construed to include refer to, summarize, reflect, constitute, contain, embody, mention, show, comprise, evidence, discuss, describe, comment on, concerning, regarding, eluding to, pertaining to, probative of, in connection with, dealing with, in respect of, about, involved, identifying or proving.

8. **“Identify”** when referring to a Person, means to give, to the extent known, the Person’s full name, present or last known address, and when referring to a natural Person, additionally, the present or last known place of employment.

9. **“Identify”** when referring to documents, means to give, to the extent known, the (i) type of Document; (ii) general subject matter; (iii) date of the Document; and (iv) authors, addressees and recipients.

10. **“Identify”** when referring to an oral Communication, means to give, to the extent known, the identity of the speaker and of each Person who was present when the Communication was spoken, and the substance, date, and place of such Communication.

11. **“Integrated Resource Plans” or “IRPs”** refers to DEC’s and DEP’s respective integrated resource plans filed with the Public Service Commission of South Carolina in the Dockets on September 1, 2020.

INTERROGATORIES

4-1. Referring to documents produced in response to Document Request No. 1-24 (First Set), the E3 RECAP “calculation settings” files indicate that 30 monte carlo draws were performed. Please describe the 30 monte carlo draws in detail and explain what they represent.

ANSWER:

4-2. Referring to documents produced in response to Document Request No. 1-24 (First Set), the E3 RECAP “calculation settings” files indicate that 30-day window variable draws were performed. Please describe the 30 variable draws in detail and explain what they represent.

ANSWER:

4-3. Referring to documents produced in response to Document Request No. 1-24 (First Set), the solar profiles included in the E3 RECAP datasets appear to cover only weather years 1998-2018, while the included loads cover weather years 1980-2018. Regarding this discrepancy:

- a. Please describe in detail how the E3 RECAP model determines which daily solar profile to use with each daily load shape?
- b. If it is correct that the included solar profiles reflect only weather years 1998-2018, please explain why the full dataset from 1980-2018 was not utilized?
- c. Identify whether each day in the 1980-2018 timeframe is simulated, similar to the approach taken in the Companies' 2020 Resource

Adequacy Studies? If not, please describe what is simulated and why it did not include every day during the time period.

- d. Identify whether the E3 RECAP model assumes each weather year from 1980-2018 has an equal likelihood of occurrence? If not, please explain.

ANSWER:

4-4. Referring to documents produced in response to Document Request No. 1-24 (First Set), please describe how thermal resources are dispatched in the E3 RECAP model.

ANSWER:

4-5. Referring to documents produced in response to Document Request No. 1-24 (First Set), please describe how hydro resources are dispatched in the E3 RECAP model.

ANSWER:

4-6. Referring to documents produced in response to Document Request No. 1-24 (First Set), please describe how battery resources are dispatched in the E3 RECAP model.

ANSWER:

4-7. Referring to documents produced in response to Document Request No. 1-24 (First Set), please state whether the E3 RECAP model is an hourly chronological dispatch model based on economic commitment and dispatch.

ANSWER:

4-8. Referring to documents produced in response to Document Request No. 1-24 (First Set), please describe the extent, if any, that E3 RECAP model rely on regions surrounding DEC and DEP. To the extent the model relied on surrounding regions to provide capacity and/or energy into the DEC and/or DEP grid, identify the assumed resource mix of the surrounding regions. If the EC RECAP model did not rely on surrounding regions, please explain why not.

ANSWER:

4-9. Referring to documents produced in response to Document Request No. 1-24 (First Set), identify whether DEC and DEP were simulated together or separately in the EC RECAP model. If simulated together, please identify the transmission assumptions used.

ANSWER:

4-10. Referring to documents produced in response to Document Request No. 1-24 (First Set), please identify whether the E3 RECAP model incorporated seasonal generator outages in its analysis to capture expected outages by season. If no such seasonal generator outages were included in the model, please explain why not.

ANSWER:

4-11. Referring to documents produced in response to Document Request No. 1-24 (First Set), please identify whether the E3 RECAP model incorporated any cold weather outages in its analysis to reflect likely increase of generator outages during extreme winter events. If no such cold weather outages were incorporated into the model, please explain why not.

ANSWER:

4-12. Referring to documents produced in response to Document Request No. 1-24 (First Set), please describe the methodology used to calculate the 2040 loads for 1980-2018 included in the produced “load component shapes” csv file. In addition, please describe in detail the “Base Load” and “EV Load” for both DEC and DEP as shown in those files.

ANSWER:

4-13. Referring to the “Duke_BTM_solar,” “Duke_Candidate_solar,” and “Duke_existing_solar” csv profiles produced in response to Document Request No. 1-24 (First Set), please describe how these profiles were developed and what each represents.

In your response, please:

- a. Identify the amount of capacity assumed for each in the solar and storage ELCC analysis.

- b. Identify the amount of FT and SAT assumed for the Candidate solar and the Existing solar.
- c. Identify the assumed DC:AC ratio for Candidate solar and Existing solar.
- d. Describe how the profiles were developed based on the FT, SAT and DC:AC ratio assumptions provided.

ANSWER:

4-14. Referencing Mr. Lucas's response to Interrogatory No. 1-9, please provide references to the specific page numbers and documents of the three referenced proceedings before the Michigan Public Service Commission (Case No. U-18419), the Minnesota Public Utilities Commission (Docket E-002/M-16-777), and the Colorado Public Utilities Commission (No. 16A-0396E) whereby the respective Commission specifically found or addressed "the potential for energy-only resources to provide savings compared to the running costs of existing resources." If the response refers to approved resource planning models whereby that capability is implied, please provide the specific working documentations of the model and the parameters of the model that was approved in their respective proceedings.

ANSWER:

4-15. As provided in the instructions to these Requests, if a privilege or objection as to any Interrogatory is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and

factual basis for each such claim, and a complete description of the information or document being withheld.

ANSWER:

REQUESTS FOR PRODUCTION

4-1. Please produce a copy of the RECAP user manual.

RESPONSE:

4-2. As provided in the instructions to these Requests, if a privilege or objection as to any Request is claimed, identify with specificity the matter as to which the privilege or objection is claimed, the nature of the privilege or objection, the legal and factual basis for each such claim, and a complete description of the information or document being withheld.

RESPONSE:

Dated this 12th day of March 2021.

Heather Shirley Smith

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and Duke Energy Progress, LLC*

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

**DOCKET NO. 2019-224-E
DOCKET NO. 2019-225-E**

In the Matter of:

**South Carolina Energy Freedom Act
(House Bill 3659) Proceeding to Related
to S.C. Code Ann. Section 58-37-40 and
Integrated Resource Plans for Duke
Energy Carolinas, LLC and Duke
Energy Progress, LLC**

CERTIFICATE OF SERVICE

This is to certify that I, Toni Hawkins, a paralegal with the law firm of Robinson Gray Stepp & Laffitte, LLC have this day served a copy of Duke Energy Carolinas, LLC's and Duke Energy Progress, LLC's Response in Opposition to CCEBA Motion for Protective Order in the foregoing matter via electronic mail as follows:

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Dated at Columbia, South Carolina this 26th day of March, 2021.


